

**DECLARATION**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **INFANT SLEEP POSITIONER** the specification of which was filed on March 26, 2004 as Application No. 10/811,298

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

| Country | Application No. | Date of Filing | Priority Claimed Under 35 USC 119 |
|---------|-----------------|----------------|--------------------------------------|
| | | | |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| Application No. | Filing Date |
|-----------------|-------------|
| | |

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application No. | Date of Filing | Status |
|-----------------|----------------|--------|
| | | |

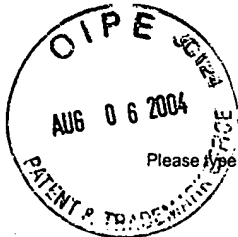
| | | | | |
|--------------------------|---|---|---|------------------------------|
| Full Name of Inventor 1: | Last Name: LITTLEHORN | First Name: SHEILA | Middle Name or Initial: | |
| Residence & Citizenship: | City: Littleton | State/Foreign Country: Colorado | Country of Citizenship: United States | |
| Post Office Address: | Post Office Address: 12909 West Berry Drive | City: Littleton | State/Country: Colorado | Postal Code: 80127 |
| Full Name of Inventor 2: | Last Name: BROWN | First Name: SUSAN | Middle Name or Initial: M. | |
| Residence & Citizenship: | City: Golden | State/Foreign Country: Colorado | Country of Citizenship: United States | |
| Post Office Address: | Post Office Address: 25751 Village Circle | City: Golden | State/Country: Colorado | Postal Code: 80401 |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | |
|---|---|
| <p>Signature of Inventor 1</p> <p><i>Sheila Littlehorn</i></p> <p>Sheila Littlehorn</p> <p>Date 7-21-04</p> | <p>Signature of Inventor 2</p> <p><i>Susan M. Brown</i></p> <p>Susan M. Brown</p> <p>Date 7/21/04</p> |
|---|---|

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Please type a plus sign (+) inside this box →



PTO/SB/81 (02-01)
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|--|-------------------------------|-------------------------|
| POWER OF ATTORNEY OR AUTHORIZATION OF AGENT | Application Number | 10/811,298 |
| | Filing Date | March 26, 2004 |
| | First Named Inventor | Sheila Littlehorn |
| | Title | INFANT SLEEP POSITIONER |
| | Group Art Unit | 3673 |
| | Examiner Name | Not yet known |
| | Attorney Docket Number | 017242-012800US |

I hereby appoint:

☒ Practitioners at Customer Number **20350** → **Place Customer Number Bar Code Label here**

☐ Practitioner(s) named below:

| Name | Registration Number |
|------|---------------------|
| | |
| | |
| | |
| | |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.
OR
☐ Practitioners at Customer Number →

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| <input type="checkbox"/> Firm or Individual Name | | | | |
| Address | | | | |
| Address | | | | |
| City | | State | | ZIP |
| Country | | | | |
| Telephone | (303) 571-4000 | Fax | (303) 571-4321 | |

I am the:

☐ Applicant/Inventor.

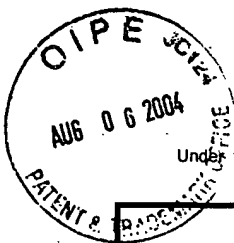
☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

| | |
|-----------|---|
| Name | The Boppy Company By: <u>Susan M Brown</u> Print Name: |
| Signature | <u>Susan M Brown</u> |
| Date | <u>7-21-04</u> |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.



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Attorney Docket No. 017242-012800US

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Sheila Littlehorn and Susan M. Brown

Application No./Patent No.: 10/811,298

Filed/Issue Date: March 26, 2004

Entitled: INFANT SLEEP POSITIONER

The Boppy Company

a Colorado Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

7-21-04

Date

Signature

Susan Brown

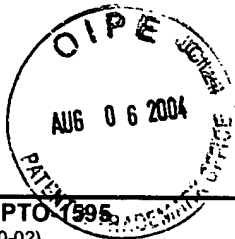
Typed or printed name

President

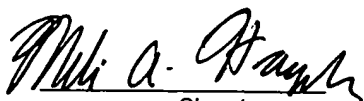
Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Attorney Docket No. 017242-012800US

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|--|--|--|--|---|--|
| Form PTO-1595 (Rev. 10-02) OMB No. 0651-0027 (exp. 5/31/2002) | | Recordation Form Cover Sheet PATENTS ONLY | | U.S. Department of Commerce U.S. Patent and Trademark Office | |
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| To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof | | | | | |
| 1. Name of conveying party(ies): Sheila Littlehorn and Susan M. Brown Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | 2. Name and address of receiving party(ies) Name: The Boppy Company Internal Address: Street Address: 560 Golden Ridge Road, #150 City: Golden State: CO ZIP: 80401 Additional name(s) and address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| 3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other: Execution Date: <u>July 21, 2004</u> | | | | | |
| 4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: A. Patent Application No(s): 10/811,298 filed 3/26/04 B. Patent No(s): Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | | | |
| 5. Name and address of party to whom correspondence concerning document should be mailed: Name: Melissa A. Haapala TOWNSEND AND TOWNSEND AND CREW LLP Two Embarcadero Center, Eighth Floor San Francisco, California 94111-3834 (303) 571-4000 | | | 6. Total number of applications and patents involved 1 7. Total fee (37 CFR 3.41): -----\$40.00 <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: 20-1530 (Attach duplicate copy of this page if paying by deposit account) | | |
| DO NOT USE THIS SPACE | | | | | |
| 9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i> Melissa A. Haapala Name of Person Signing Atty. Reg. No. 47,622  Signature 8/3/04 Date | | | | | |
| Total number of pages including cover sheet, attachments and documents: Mail documents to be recorded with required cover sheet information to: Mail Stop Assignment Recordation Services Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 | | | | | |

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Sheila Littlehorn, of 12909 West Berry Drive, Littleton, CO 80127, and Susan M. Brown, of 25751 Village Circle, Golden, CO 80401, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: INFANT SLEEP POSITIONER

Date(s) of execution of Declaration: July 21, 2004

Filing Date: March 26, 2004

Application No.: 10/811,298; and

WHEREAS, The Boppy Company of 560 Golden Ridge Road, #150, Golden, Colorado 80401, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that Assignors will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.


Assignors hereby authorize and request Townsend and Townsend and Cronin LLP, Two Embarcadero Center, 8th Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignors have signed their name on the date indicated.

Dated: 7-21-04


Sheila Littlehorn

Dated: 7-21-04


Susan M. Brown